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Attorneys for Defendant Bristol-Myers Squibb Company

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

MICHAEL DIERCKS *et al.*,

Plaintiff,

v.

BRISTOL-MYERS SQUIBB COMPANY,
MCKESSON CORPORATION, and
DOES 1 to 100,

Defendants.

No. 14-0572 JST

**JOINT STIPULATION AND
~~PROPOSED~~ ORDER TO STAY
LITIGATION PENDING TRANSFER TO
THE PLAVIX® MDL**

Judge: Hon. Jon S. Tigar

1 This Joint Stipulation is made by and between Plaintiffs in *Diercks et al. v. Bristol-Myers*
2 *Squibb Co. et al.*, No. CV-14-0572 JST (N.D. Cal.), and Defendant Bristol-Myers Squibb Company
3 (“BMS”) (collectively “the Parties”), by and through the undersigned counsel of record, with
4 reference to the following facts:

5 1. WHEREAS, on February 12, 2013, the Judicial Panel on Multidistrict Litigation
6 (“JPML”) established a multidistrict Plavix® litigation in the District of New Jersey, assigned to
7 Judge Freda Wolfson;

8 2. WHEREAS, on February 4, 2014, Plaintiffs filed the *Diercks* action in the Superior
9 Court of California, San Francisco County;

10 3. WHEREAS, on February 6, 2014, the *Diercks* action was removed to this Court by
11 Defendant BMS;

12 4. WHEREAS, on February 12, 2014, Defendant BMS tagged this case for transfer to
13 the Plavix® MDL and anticipates that the JPML will issue a conditional transfer order for this case
14 soon; and

15 5. WHEREAS, the parties agree that the *Diercks* action should be stayed pending its
16 anticipated transfer to the Plavix® MDL in the District of New Jersey.

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18 THEREFORE, IT IS HEREBY STIPULATED AND AGREED, subject to the Court’s
19 approval, that the *Diercks* action should be stayed pending its anticipated transfer to the Plavix®
20 MDL in the District of New Jersey.

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22 **IT IS SO STIPULATED.**
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2 Dated: February 13, 2014

Joshua C. Ezrin
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221 Main Street, Suite 1460
San Francisco, CA 94105

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4
5 By: /s/ Joshua C. Ezrin
Joshua C. Ezrin

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7 *Attorney for Plaintiffs*

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9 Dated: February 13, 2014

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12 By: /s/ Jeremy M. McLaughlin
JEREMY M. McLAUGHLIN

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14 *Attorney for Defendant*
Bristol-Myers Squibb Company

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16 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

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19 Date: February 14, 2014

